

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13

Case No. 22-22507-CGM

Gerasimos Stefanitsis  
aka Jerry Stephanitsis,

Debtor.

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**ORDER DISMISSING CASE**

UPON the motion, dated November 08, 2022 of Krista M. Preuss, Chapter 13 trustee, (the "Trustee") seeking entry of an order dismissing this Chapter 13 case pursuant to 11 U.S.C. § 1307(c); and due notice of the motion having been given to all necessary parties; and upon the record of the hearing held by the Court on the motion on December 07, 2022 and all of the proceedings herein; and

WHEREAS, the Debtor's proposed Chapter 13 plan is not feasible as it is not adequately funded to provide for full repayment to the secured claims as required by 11 U.S.C. §1325(a)(5); and

WHEREAS, the Debtor has failed to amend the plan to specifically reference all secured creditors and pre-petition arrears consistent with the amounts listed in the filed claims as required by 11 U.S.C. §1325(a)(5); and

WHEREAS, the Debtor is not paying all disposable income into the Plan as required by 11 U.S.C. §1325(b)(1)(B); and

WHEREAS, the Debtor failed to properly disclose all bank accounts the Debtor's name appears upon in the petition and schedules which require amendment. Additionally, the Trustee respectfully requests 6 months of bank statements for each bank account; and

WHEREAS, the Debtor failed to provide the Trustee with documentation of the current value of all real property in which the Debtor has an ownership interest; and

WHEREAS, the Debtor failed to provide to the Trustee with copies of verified monthly operating reports each month for any and all business income (one for each business); and

WHEREAS, the Debtor failed to provide to the Trustee with copies of monthly mortgage statements to support the expense claimed in Schedule J; and

WHEREAS, the Debtor failed to file an Official Form B22C, Statement of Monthly Income and Disposable Income, as required by 11 U.S.C. § 521(a)(1)(B)(v); and

WHEREAS, the Debtor failed to file with the Court evidence that the Debtor has completed an instructional course concerning personal financial management as required by 11 U.S.C. §1328(g)(1); and

WHEREAS, the Debtor failed to file with the Court a certification that all amounts payable under a domestic support obligation have been paid as required by 11 U.S.C. §1328(a); and

WHEREAS, the Debtor failed to comply with 11 U.S.C. § 521(e)(2)(A)(i) in that the Debtor has not provided the Trustee with a copy of 2019 and 2020 Federal and State income tax returns or transcripts; and

WHEREAS, each of the foregoing constitutes cause for dismissal of this Chapter 13 case; it is accordingly

**ORDERED**, that this Chapter 13 case be dismissed pursuant to 11 U.S.C. § 1307(c). The Trustee shall take all actions required by such dismissal; and it is further

**ORDERED**, that for the reasons stated at the hearing held on December 7 , 2022, the Court retains jurisdiction to address concerns regarding Counsel's 2016(b) Statement and Disclosure of Compensation pursuant to 11 U.S.C. §105, 329, 330 and Federal Rules of Bankruptcy Procedure 2016 & 2017 to be considered at a hearing to be held on February 22, 2023.

**Dated: December 15, 2022**  
**Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

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**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**